



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Via Electronic Mail To: support@activationproducts.com

Docket No. F-02-2020-5095

Activation Products
74 Willmott Street
Cobourg, ON, Canada K9A0E9

Re: NOTICE OF REFUSAL OF ADMISSION

Import of Uniku Disinfecting Wipes, Entry No. SCS-19039470

To Whom It May Concern:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Name: Uniku Disinfecting Wipes, 20 wipe packs

Importer: Activation Products

Shipper: North American Medical Distributors

Bill Number: UPSC5F13997TBSWJ

Entry Number: SCS-19039470

Arrival Date: 08/25/20

Entry Date: 09/03/20

Port of Entry: 0901 – Buffalo/Niagara Falls

Your company was previously notified via a Notice of Detention and Hearing ("NOD"), dated September 9, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that these products are unregistered pesticides because the label makes pesticidal claims and the products are not registered with EPA in accordance with FIFRA § 3(a), 7 U.S.C. § 136a(a). Unregistered pesticides are prohibited from sale and distribution in the U.S.; therefore, any sale or distribution of these wipes is a violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on September 29, 2020, your customs broker sent EPA links to the National Library of Medicine listings for this product and noted that the FDA-accepted labels for this product describes it as hand wipes. However, the product listed for sale on the shipper's website has different ingredients than the FDA-accepted hand sanitizer and the shipper's website has photos of the product label which do not describe it as a hand sanitizer.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Zeke Mercer, UPS Supply Chain Solutions (gmerc@ups.com)
U.S. Customs and Border Protection (buffaloacedesk@cbp.dhs.gov)
Jennifer Forpahl, U.S. Customs and Border Protection (jennifer.forpahl@cbp.dhs.gov)